



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: 400 ALABAMA AVENUE, N.E.
WASHINGTON, D.C. 20530
www.uspto.gov

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 651,790	08 30 2000	Pary Baluswamy	CE 027 PROV.	2095

7590 02 26 2002

Samuel E Webb
Trask Britt
P O Box 2550
Salt Lake City, UT 84110

EXAMINER

PIZARRO CRESPO, MARCOS D

ART UNIT	PAPER NUMBER
----------	--------------

2814

DATE MAILED: 02 26 2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,790

Applicant(s)

BALUSWAMY ET AL.

Examiner

Marcos D. Pizarro-Crespo

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 are pending in the application.
- 4a) Of the above claim(s) 1-15 are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 16-20 are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 29 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on 03 January 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and or 121.

Attachment(s)

- ☐ New or amended claims (P.T.O. Form 101)
☐ New or amended drawings (P.T.O. Form 102)
☐ Information Disclosure Statement (P.T.O. Form 144) (Paper No. 101)
☐ Affidavit (P.T.O. Form 103)
☐ Statement of Inventorship (P.T.O. Form 104)
☐ Other (P.T.O. Form 105)

Application/Control Number: 09/651,790 (Non-Final Rejection)
Art Unit: 2814

Page 2

Attorney's Docket Number: 4307 US (99-1193)

Filing Date: 8/20/2000

Claimed Foreign Priority Date: none

Applicant(s): Beluswamy et al.

Examiner: Marcos D. Pizarro-Crespo

DETAILED ACTION

This Office action responds to the election (paper no. 11) filed on 12/10/2001

Election/Restrictions

1. Applicant's election without traverse of claims 16-20 (group II) in paper no. 11 is acknowledged. Claims 1-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

3. The proposed drawing correction and/or the proposed substitute sheets of drawings (paper no. 5), filed on 1/3/2001 have been approved. A proper drawing correction or corrected drawings are required in reply to this Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance

4. The corrected or substitute drawings (paper no. 10) received on 11/29/2001 are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **5** (pp.3/II.11), **10** (pp.3/II.10).

5. The corrected or substitute drawings (paper no. 10) received on 11/29/2001 are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character **16** has been used to designate both a chip pattern (figure 1) and an overlying material (figure 2).

6. The corrected or substitute drawings (paper no. 10) received on 11/29/2001 are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description (pp.3/II.24) with respect to figure 4: **10, 11**.

7. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States

9. Claims 16, 18, are rejected under 35 U.S.C. 102(b) as being unpatentable over the prior art.

10. Deguchi shows (see, e.g., fig. 1, abstract) all aspects of the instant invention including a method to form an overlay target including a series of raised lines, the method comprising:

- providing a substrate **10**
- depositing a resist layer **15** over the substrate **10**
- patterning the resist layer **15** to include a pattern defining the overlay target (abstract)
- etching the substrate **10** to form the overlay target

11. Regarding claim 17, Deguchi shows (abstract) that the substrate comprises a semiconductor substrate.

12. Regarding claim 18, Deguchi deposits the resist layer **15** directly over the semiconductor substrate **10** (see, e.g., fig. 1).

13. Regarding claim 19, Deguchi shows that a material layer **14** may be deposited over the top surface of the semiconductor substrate **10** (see, e.g., fig. 4).

14. Regarding claim 20, Deguchi shows that the resist layer **15** may be deposited over the material layer **14** so that the step of etching the substrate **10** comprises etching the material layer **14**.

Conclusion

15. Papers related to this application may be submitted directly to Art Unit 2814 by facsimile transmission. Papers should be faxed to Art Unit 2814 via the Art Unit 2814

conform to the notice published in the Official Gazette, 1096 OG 30 (15 November

1989) The Art Unit 2814 Fax Center number is **(703) 308-7722** or **-7724**. The Art Unit 2814 Fax Center is to be used only for papers related to Art Unit 2814 applications.

16 Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Marcos D. Pizarro-Crespo** at **(703) 308-6558** and between the hours of 8 30 AM to 7 00 PM (Eastern Standard Time) Monday through Thursday or by e-mail via Marcos.Pizarro@uspto.gov. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri, can be reached on (703) 306-2794

17 Any inquiry of a general nature or relating to the status of this application should be directed to the **Group 2800 Receptionist** at **(703) 308-0956**.

18 The following list is the Examiner's field of search for the present Office Action:

Field of Search	Date
U.S. Class / Subclass(es): 257/797; 438/401, 462, 975	2/15/2002
Other Documentation	
Electronic Database(s) EAST (USPAT, EPO, JPO)	2/15/2002



Howard Weiss

Marcos D. Pizarro-Crespo

Marcos.Pizarro@uspto.gov